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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON, DC 20005

EXAMINER

LARKIN, DANIEL SEAN

ART UNIT	PAPER NUMBER
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2856

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,970	Applicant(s) HODZIC ET AL.	
	Examiner DANIEL S. LARKIN	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12, 14, 15 and 20 is/are rejected.
- 7) ☒ Claim(s) 13, 16-19 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2 April 07 & 13 July 07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. Two references, WO 02/41595 and WO 2004/068815, have been submitted with a date of 10 November 2006; however, an information disclosure statement has not been filed with respect to these references; and thus, these references have not been considered

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

Reference numeral "16f", as shown in Figure 1, does not appear within the written specification.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Reference numeral -- 17 -- does not appear within the drawing figures as

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suggested on page 9, line 31.

5. The drawings are objected to because an intake arrow should be inserted into the diluent air supply line (19), as shown in Figure 1, to indicate the direction of flow.

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The placement of a “filter above an exhaust gas cooling device”, as recited in claim 13 in combination with all of the limitations of base claim 10.

The measuring device comprising a test stand”, as recited in claim 21 in combination with all of the limitations of base claim 10.

7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing

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date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the Applicants will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

8. The disclosure is objected to because of the following informalities:

Page 1, line 3: The phrase -- Background Of The Invention -- should be inserted prior to the introduction of this paragraph.

Page 2, line 19: The term "IT" should be corrected to read -- It --.

Page 2, line 28: A -- comma -- should be inserted prior to the term "such" and after the term "zeolite".

Page 2, line 31: The phrase -- Summary Of The Invention -- should be inserted prior to the introduction of this paragraph.

Page 3, line 19: A -- comma -- should be inserted prior to the term "such" and prior to the term "are".

Page 5, line 25: A -- comma -- should be inserted prior to the term "for" and after the term "example".

Page 7, line 17: A -- comma -- should be inserted prior to the term "such" and after the term "rhodium".

Page 8, line 16: The phrase -- Brief Description Of The Drawing Figures -- should be inserted prior to the introduction of this paragraph.

Page 8, line 23: The phrase -- Detailed Description Of The Preferred Embodiments -- should be inserted prior to the introduction of this paragraph.

Page 8, line 32: A -- comma -- should be inserted prior to the term “for”.

Page 9, line 1: A -- comma -- should be inserted after the term “example”.

Page 9, line 8: The term “measuring device” should be corrected to read -- analysis unit --.

Page 9, line 14: The designation “1a” should be corrected to read -- 1 -- since there is no Figure 1a in this application.

Page 9, lines 23 and 26: A -- comma -- should be inserted prior to the term “for” and after the term “example”.

Page 10, line 7: A -- comma -- should be inserted prior to the term “for” and after the term “example”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 12 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 12, claim line 3: Is this “analysis unit” the same unit previously recited in claim 10, claim lines 4 and 5?

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Re claim 20, claim line 2: When did the “at least one cool measuring branch” recited in claim 10, claim line 6, become a single cool measuring branch. No claim previously as set forth that the at least one branch is defined to mean one branch.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by DE 19607506 (Wendt).

Wendt discloses a device for measuring exhaust gas from an engine, comprising: at least one exhaust gas supply line connectable to the exhaust system of a combustion engine and which supplies at least one measuring branch, each provided with at least one analysis unit, wherein a filter/scrubber (6) is provided upstream of the analysis unit, the filter/scrubber comprises filter material that is selective with regard to gaseous hydrocarbons.

13. Claims 10, 11, 14, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 848250 (Takahashi et al.).

With respect to the limitations of claims 10, 11, and 14, Takahashi et al. disclose

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a gas sensor for diagnosing malfunction of exhaust gas purifying apparatus, comprising: at least one exhaust gas supply line connectable to the exhaust system of a combustion engine and which supplies at least one measuring branch, each provided with at least one analysis unit (1), wherein a filter (4) between components of the analysis device (1) and is an integral part of the analysis unit, the filter (4) comprises filter material, such as a zeolite, that is selective with regard to gaseous hydrocarbons.

With respect to the limitation of claim line 20, the analysis unit comprise a sensor for determining the oxygen content of the exhaust gas.

14. Claims 10, 11, 15, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,927,979 (Byrne et al.).

With respect to the limitations of claims 10, 11, and 15, Byrne et al. disclose an apparatus for measuring the carbon monoxide and reactive hydrocarbon content of a gas, comprising: at least one exhaust gas supply line connectable to the exhaust system of a combustion engine and which supplies at least one measuring branch, each provided with at least one analysis unit (18), wherein a filter/trap (26) is located on the output side of the at least one analysis device (18), the filter/trap (26) comprises filter material, such as a silicate, that is selective with regard to gaseous hydrocarbons.

With respect to the limitation of claim line 20, the analysis unit comprise a sensor for determining the oxygen content of the exhaust gas.

Allowable Subject Matter

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15. The following is a statement of reasons for the indication of allowable subject matter:

Prior art was not relied upon to reject claims 12, 13, 16-19, and 21 because the prior art fails to teach and/or make obvious the limitations of the above cited claims in combination with all of the limitations of the base claim.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art to EP 632,263 (Adolph) disclose an apparatus for analyzing a gas from an exhaust pipe, comprising a measuring arrangement (13) and a particle filter (21) located on the output side of the measuring arrangement.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. LARKIN whose telephone number is (571)272-2198. The examiner can normally be reached on 8:30 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel S. Larkin/
Primary Examiner, Art Unit 2856
05 November 2008